

REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed March 14, 2007. Claims 10, 13-16, 19-21, 25, 27, 28, and 30-38 are pending in this Application. In order to advance prosecution of this Application, Claims 10, 13, 16, 19, 25, 30, 32, 33, 35, 36, and 38 have been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

The Examiner issued a Final Action on December 19, 2006. Applicant submitted a Response to Examiner's Final Action on February 20, 2007. The Examiner issued an Advisory Action on March 14, 2007 stating that the Response to Examiner's Final Action raised the issue of new matter and did not place the application in condition for allowance. Applicant respectfully requests continued examination of this Application so that the Response to Examiner's Final Action can be entered and considered by the Examiner pursuant to this Request for Continued Examination. For the convenience of the Examiner, the amendments made to the claims in the Response to Examiner's Final Action and the accompanying comments are repeated herein as well as additional comments in view of the Advisory Action.

The drawings stand objected to under 37 C.F.R. §1.83(a) for not showing every feature specified in the claims. Attached herewith is a Replacement Sheet showing amendments made to FIGURE 4. FIGURE 4 has been amended to include the electrodes provided in the claimed invention as requested by the Examiner. The specification has also been amended to reflect the changes made to FIGURE 4. Support for the changes to FIGURE 4 and the specification can be found in the originally filed claims and at page 4, lines 25-32, of the original specification. Therefore, Applicant respectfully

submits that the drawings are in accordance with 37 C.F.R. §1.83(a).

The drawings stand objected to under 37 C.F.R. §1.84(p)(5) for including a reference character not mentioned in the specification. FIGURE 4 and the specification have been amended to address matters raised by the Examiner. Therefore, Applicant respectfully submits that the drawings are in accordance with 37 C.F.R. §1.84(p)(5).

Claims 10, 13-16, 19-21, 25, 27, 28, 31, 32, 34, 35, 37, and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art FIGURES 2 and 3 in view of Thomas, et al. Independent Claims 10, 16, and 25 recite in general a delay element coupled to a first bidirectional port and a first unidirectional port where the delay element includes a pair of electrodes arranged along a first optical path between the first bidirectional port and the first unidirectional port. By contrast, the Examiner readily admits that the Admitted Prior Art and the Thomas, et al. patent fail to disclose delay element including a pair of electrodes. Therefore, Applicant respectfully submits that Claims 10, 13-16, 19-21, 25, 27, 28, 31, 32, 34, 35, 37, and 38 are patentably distinct from the proposed Admitted Prior Art - Thomas, et al. combination.

Claims 30, 33, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Admitted Prior Art Figures 2 and 3 in view of Thomas, et al. and further in view of Jutamulia. Independent Claims 10, 16, and 25 include the feature of a delay element including a pair of electrodes arranged along a first optical path between the first bidirectional port and the first unidirectional port to induce a phase shift in a first optical signal carried therein. The electrodes 92 disclosed in the Jutamulia patent are used to

tune a separate self contained waveguide 74 to produce destructive interference in an output beam 86 generated from a waveguide 72. (See col. 13, lines 11-13, of the Jutamulia patent). Thus, the Jutamulia patent fails to provide a pair of electrodes arranged along a first optical path to induce a phase shift in a first optical signal carried therein as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 10, 13-16, 19-21, 25, 27, 28, and 30-38 are patentably distinct from the proposed Admitted Prior Art - Thomas, e al. - Jutamulia combination.

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CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicant

A handwritten signature in dark ink, appearing to read 'Charles S. Fish', is written over the printed name.

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